

EXHIBIT 7

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 AUTHORS GUILD, *et al.*,

4 Plaintiffs,

5 v.

23 Civ. 8292 (SHS) (OTW)

6 OPENAI, INC., *et al.*,

Conference

7 Defendants.

8 -----x

9 New York, N.Y.
10 December 3, 2024
9:47 a.m.

11 Before:

12 HON. ONA T. WANG,

13 U.S. Magistrate Judge

14 APPEARANCES

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1 provide that weren't at issue. Right? And is it from those
2 documents that you're seeing that these people are involved?

3 MS. SALOMON: That's correct, your Honor.

4 THE COURT: All right. But they weren't custodians --
5 I mean, I guess the argument cuts both ways because if you got
6 the documents that referenced these people and suggested that
7 these people would have information, and you got them from --
8 not these people as custodians, then that shifts in one
9 direction toward maybe they don't have unique documents.

10 MS. SALOMON: Sure, your Honor.

11 THE COURT: At the same time.

12 MS. SALOMON: I take your point. I think that at this
13 stage, the best thing to do would be exactly what OpenAI has
14 had to do vis-a-vis its eight -- or maybe that number has since
15 grown -- custodians is provide the hit counts as across our
16 current search terms. And if it reflects duplicativeness,
17 that's one thing, but we just don't have that information yet.

18 THE COURT: Okay. So has New York Times provided the
19 hit counts? Do you have the hit counts for these four proposed
20 custodians?

21 MS. PEASLEE: Sure. Katherine Peaslee from Susman
22 Godfrey for The New York Times. We have not provided hit
23 counts from these custodians, your Honor, because in order to
24 provide the hit counts, we have to first collect those
25 documents, which for The New York Times is actually a fairly

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1 slow and cumbersome process. And because we don't believe that
2 these custodians have any non-duplicative documents and we've
3 not heard any other reasons from OpenAI for us to think
4 otherwise. We have not taken the steps of collecting them. We
5 are preserving their documents. But we just don't see a basis
6 for collecting documents from custodians who will be
7 duplicative.

8 Exactly to your point, your Honor, the reason they
9 know about these custodians is because they appear on documents
10 that have already been produced. And we've laid out in the
11 response the reasons why custodians we have agreed to,
12 including ones we've more recently added, are better sources
13 for these documents. Certainly equally good sources for the
14 documents they're seeking anyway.

15 I will say particularly with respect to Sam Dolnick,
16 OpenAI has said they need his documents because he has a
17 broader focus on the impact of GenAI on the Newsroom. Putting
18 aside the fact that we disagree he would have non-duplicative
19 documents on that point, that's also an area of discovery that
20 is not at issue in this case, per your Honor's order on the
21 22nd. So we think that knocks that one out.

22 THE COURT: I mean, to be fair, that motion was --
23 that motion was filed before I issued ECF 344. So I guess what
24 I'm trying to understand is in light of what I said in ECF 344,
25 is there a narrower scope? And what else do you have that

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1 THE COURT: Okay. So maybe my question is for
2 Ms. Peaslee because my sort of ultimate thing to go to is how
3 long is it going to take to run, you know, collect and run and
4 provide hit counts of non-duplicative documents?

5 MS. PEASLEE: Sure, your Honor.

6 So The Times could do that in a couple of weeks I
7 believe. But what I will say is that there are other
8 custodians we have agreed to add. And that's relevant because
9 in order for us to collect documents from these individuals and
10 run search terms, we will have to pause the process of
11 collecting documents from the ones we have agreed to. There's
12 one person internal at The Times who does the collection
13 process and gets those to us. And so it's just going to slow
14 down the discovery that we have agreed to and that the parties
15 are cooperating on.

16 So that's a factor to take into consideration. And,
17 again, we just don't think that it's warranted in this case
18 because there's nothing that OpenAI has pointed to suggest
19 these additional custodians are necessary.

20 MS. SALOMON: Your Honor.

21 THE COURT: What are the other custodians you've
22 agreed to add? How many are they?

23 MS. PEASLEE: I believe there are ten recent
24 custodians, and I can point to the ones that we think are
25 relevant to the ones they've asked for. For instance, for